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**Question of Cyprus**

**Oceans and the law of the sea**

## Letter dated 1 October 2018 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I regret to bring to your attention the provocative acts on the part of Turkey against fishing vessels flying the flag of Cyprus both within the maritime zones of Cyprus and on the high seas.

In particular, on 16 August 2018, Turkish patrol vessels harassed and prevented the fishing vessel *Maria Bouboulina* under the flag of Cyprus from carrying out scheduled fishing activities duly licensed by the Department of Fisheries and Marine Research of Cyprus. Moreover, the Turkish patrol boats ordered the fishing vessel to abandon the area, otherwise the vessel and her crew would be arrested.

The incident took place at a distance between 14.5 and 30 nautical miles from the south-eastern coast of Turkey. Since Turkey has proclaimed neither a contiguous zone nor an exclusive economic zone in the Mediterranean Sea, its maritime jurisdiction is confined solely to a 12-nautical-mile territorial sea. Hence, the harassment occurred on the high seas.

In addition, on 30 August 2018, Turkish patrol vessels attempted to board the *Maria Bouboulina* with a view to inspecting the vessel while she was performing fishing activities on the high seas at a distance of 21 nautical miles from the Turkish coast. Even though the captain ceased the fishing activities and attempted to leave the area, the Turkish vessels kept harassing the *Maria Bouboulina* for another 30 minutes until the captain informed them that he would change course and head to a Cypriot port.

By virtue of articles 87 (1) (e) and 116 of the United Nations Convention on the Law of the Sea of 1982, fishing on the high seas constitutes an aspect of the customary principle of the freedom of the seas. A corollary of the freedom of the seas, as envisaged in article 89 of the Convention, is that no State may validly purport to subject any part of the high seas to its sovereignty. It is the flag State that enjoys exclusive jurisdiction over vessels flying its flag on the high seas (article 92 of the Convention).

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Bearing in mind the above, it is clear that the conduct of the Turkish patrol vessels was in breach of the freedom of fishing on the high seas and contravened the exclusive jurisdiction of the flag State, namely Cyprus.

What is more, on 21 September 2018, vessels of the Turkish occupation forces in Cyprus harassed and arrested the fishing vessel *Geia sou kaiki mou Ai Nikola*, flying the flag of Cyprus, within the 12-nautical-mile territorial sea of Cyprus at a distance of 7.5 nautical miles from Cape Kormakitis, situated on the northern coast of Cyprus. Since then, the vessel and her crew, which are of Egyptian nationality, have been illegally detained by Turkey's occupying forces and its illegal subordinate administration.

Since the arrested vessel was operating within the Cypriot territorial sea, it is only the authorities of Cyprus who have the power to regulate and monitor fishing activities in that area on the basis of articles 19 (2) (i) and 21 (1) (d) and (e) of the Convention, as well as of the relevant provisions of national legislation.

Even if Turkey — regrettably — has yet to become a party to the Convention, it is still bound by the aforementioned rules relating to the territorial sea and the high seas, which form part of customary international law, and must be held responsible for its internationally wrongful acts.

The Government of the Republic of Cyprus kindly requests your assistance in conveying a strong message to Ankara to the effect that the Republic of Turkey must comply with international law, namely that it must observe the customary principle of the freedom of the high seas, including the freedom of fishing therein. Furthermore, Turkey is under an obligation to refrain from acts exacerbating tension in the area and to respect the exclusive jurisdiction of the Republic of Cyprus over vessels flying the latter's flag and its authority to regulate fishing activities within its territorial sea.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 45 and 78, and have it published on the website of the Division for Ocean Affairs and the Law of the Sea and in the next *Law of the Sea Bulletin*.

(*Signed*) Kornelios S. **Korneliou**